

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA
Plaintiff,

vs.

SAMUEL PETER NICKOLAS
Defendant.

Case No. CR-I-O2-143

**MOTION TO BEGIN SENTENCE
AS HOUSE ARREST**

Judge: Dlott

Dennis
Dennis J. Dlott
12/21/05

Defendant was sentenced to six months incarceration on October 24, 2005. Defendant requested, and the Court granted, a stay of execution until November 15, 2005, so that he could make arrangements.

Since that time, Defendant has attempted to learn when his sentence is to begin, but he has been told that it has not been determined, that he will be notified when it has been determined, and that he should not call the Marshall's Office again to find out. When he made similar inquiries with the BOP, he was told that he could be notified in a week, or it could be six months, perhaps a year.

This process places Defendant in a state of suspension, effectively increasing the sentence beyond that which it is believed the court intended. He cannot take jobs, because he does not know whether he can finish them.

Furthermore, Defendant makes his living primarily during the warm months of the year. For this reason, he would like to begin the service of his sentence as soon as possible so that he can begin work in the spring.

The Court has previously denied Defendant's request to serve the six month sentence in home incarceration. He requests reconsideration of that decision to the limited